

**RECEIVED** 001  
**CENTRAL FAX CENTER**

DEC 12 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kelli Hodge Kennedy et al. Examiner: Firmin Backer  
Serial No.: 09/782,765 Group Art Unit: 3621  
Filed: February 13, 2001 Docket: 10005680-1  
Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH  
CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

**CERTIFICATE OF TRANSMISSION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No.: (571) 273-8300 on the date shown below:

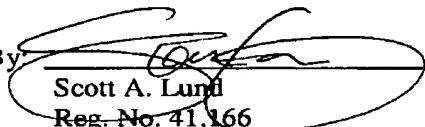
1. Transmittal Letter for Appeal Brief (1 pg.); and
2. Appeal Brief under 37 C.F.R. §41.37 (21 pgs.)

Respectfully submitted,

Kelli Hodge Kennedy et al.,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2006  
Facsimile: (612) 573-2005

Date: DEC 12, 2006  
SAL:hsf

By   
Scott A. Lund  
Reg. No. 41,166

23 PAGES – INCLUDING COVER PAGE

**RECEIVED  
CENTRAL FAX CENTER  
DEC 12 2006**

**HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400**

**PATENT APPLICATION**

**ATTORNEY DOCKET NO. 10005680-1**

**IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor(s): Kelli Hodge Kennedy et al.**

**Confirmation No.: 9673**

**Application No.: 09/782,765**

**Examiner: Firmin Backer**

**Filing Date: February 13, 2001**

**Group Art Unit: 3621**

**Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT**

**Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL OF APPEAL BRIEF**

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on November 20, 2006.

As Applicant elected to continue prosecution after prosecution was reopened by the Examiner and a decision on the merits has not been made on the prior appeal, Applicant requests that the previously paid appeal fees set forth in 37 CFR 41.20 for filling a Notice of Appeal and filing an Appeal Brief be applied to this later appeal on the same application.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$.450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590
---	--	--	--

The extension fee has already been filed in this application.

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Alexandria, VA 22313-1450

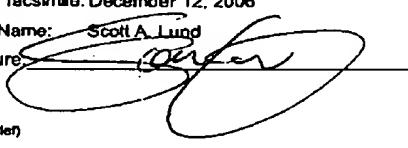
Date of Deposit:

**OR**

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

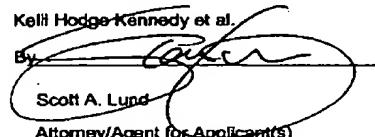
Date of facsimile: December 12, 2006

Typed Name: Scott A. Lund

Signature: 

Respectfully submitted,

Kelli Hodge Kennedy et al.

By: 

Scott A. Lund

Attorney/Agent for Applicant(s)

Reg No.: 41,166

Date : December 12, 2006

Telephone : (612) 573-2006

RECEIVED  
CENTRAL FAX CENTER  
DEC 12 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kelli Hodge Kennedy et al. Examiner: Firmin Backer  
Serial No.: 09/782,765 Group Art Unit: 3621  
Filed: February 13, 2001 Docket: 10005680-1  
Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH  
CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**Mail Stop Appeal Brief – Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Appeal Brief is submitted in support of the Reinstatement of Appeal / Notice of Appeal filed November 20, 2006, appealing the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 of the above-identified application as set forth in the Final Office Action mailed September 21, 2006.

Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30.

As Applicant elected to continue prosecution after prosecution was reopened by the Examiner and a decision on the merits by the Board of Patent Appeals and Interferences has not been made on the prior appeal, Applicant requests that any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) be applied to this later appeal on the same application. See MPEP §§ 1204.01 and 1207.04.

At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT  
SERVICES MANAGEMENT**RECEIVED  
CENTRAL FAX CENTER  
DEC 12 2006****TABLE OF CONTENTS**

<b>Real Party in Interest.....</b>	<b>3</b>
<b>Related Appeals and Interferences.....</b>	<b>3</b>
<b>Status of Claims .....</b>	<b>3</b>
<b>Status of Amendments .....</b>	<b>3</b>
<b>Summary of The Claimed Subject Matter .....</b>	<b>3</b>
<b>Grounds of Rejection to be Reviewed on Appeal.....</b>	<b>6</b>
<b>Argument .....</b>	<b>6</b>
<b>Conclusion .....</b>	<b>12</b>
<b>Claims Appendix .....</b>	<b>13</b>
<b>Evidence Appendix.....</b>	<b>20</b>
<b>Related Proceedings Appendix.....</b>	<b>21</b>

**RECEIVED  
CENTRAL FAX CENTER  
DEC 12 2006**

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

**REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

**RELATED APPEALS AND INTERFERENCES**

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

**STATUS OF CLAIMS**

Claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 are pending in the application (see Claims Appendix), and are the subject of the present Appeal. Claims 2, 8, 11, 18, 20, 22, and 28 were cancelled without prejudice.

Claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub et al. US Patent No. 6,216,141, in view of Ta et al. US Patent No. 6,931,545.

**STATUS OF AMENDMENTS**

No amendments have been entered subsequent to the Final Office Action mailed September 21, 2006. The claims listed in the Claims Appendix, therefore, reflect the claims as of September 21, 2006.

**SUMMARY OF THE CLAIMED SUBJECT MATTER**

One aspect of the present invention, as claimed in independent claim 1, provides a method of distributing a document (12) of a user (14), with the document including at least one of textural and graphical information. The method includes registering document distribution services (24) of a plurality of document distribution providers (22) with a document distribution system controller (26), the document distribution services including at

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

least one of print services (241), electronic mail services (242), and print publishing services (243); receiving a distribution request (36) for the document from the user at the document distribution system controller; compiling a list of distribution options (40) for the document with the document distribution system controller based on the document distribution services of the document distribution providers; and presenting the list of distribution options for the document to the user, wherein the user provides the document to the document distribution system controller (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 9, provides a computer-readable medium having computer-executable instructions for performing a method of distributing a document (12) of a user (14), with the document including at least one of textural and graphical information. The method includes registering document distribution services (24) of a plurality of document distribution providers (22), the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); receiving a distribution request (36) for the document from the user; compiling a list of distribution options (40) for the document based on the document distribution services of the document distribution providers; and presenting the list of distribution options for the document to the user, wherein the user provides the document for distribution (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 10, provides a system for distributing a document (12) of a user (14), with the document including at least one of textural and graphical information. The system includes a memory device (28) configured to have document distribution services (24) of a plurality of document distribution providers (22) stored therein, the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); a processor (27) adapted to compile a list of distribution options (40) for the document based on the document distribution services of the document distribution providers; and a user interface (42) configured to present the list of distribution options for the document to the

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

user, wherein the user provides the document to the system for distribution (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; and Figs. 1-4).

One aspect of the present invention, as claimed in independent claim 19, provides a method of managing document distribution services (24) of a plurality of document distribution providers (22). The method includes registering the document distribution services of the document distribution providers with a document distribution system controller (26), the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); presenting the document distribution services to a user (14) having a document (12), the document including at least one of textural and graphical information; and receiving a distribution selection (54) for the document from the user at the document distribution system controller, the distribution selection specifying at least one document distribution service of the document distribution services, wherein the user provides the document to the document distribution system controller for distribution (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 26, provides a computer-readable medium having computer-executable instructions for performing a method of managing document distribution services (24) of a plurality of document distribution providers (22). The method includes registering the document distribution services of the document distribution providers, the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243); presenting the document distribution services to a user (14) having a document (12), the document including at least one of textural and graphical information; and receiving a distribution selection (54) for the document from the user, the distribution selection specifying at least one document distribution service of the document distribution services, wherein the user provides the document for distribution (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; page 13, line 24 - page 15, line 18; and Figs. 1-4 and 7).

One aspect of the present invention, as claimed in independent claim 27, provides a system for managing document distribution services (24). The system includes a document distribution system controller (26) configured to have the document distribution services

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

registered therewith, the document distribution services including at least one of print services (241), electronic mail services (242), and print publishing services (243), wherein the document distribution system controller is adapted to present the document distribution services to a user (14) having a document (12), the document including at least one of textural and graphical information, and wherein the document distribution system controller is adapted to receive a distribution selection (54) for the document from the user, the distribution selection specifying at least one document distribution service of the document distribution services, wherein the user provides the document to the system for distribution (see, e.g., Specification at p. 4, line 20 - p. 10, line 31; and Figs. 1-4).

**GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Appellant seeks review of the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. 103(a) as being unpatentable over Straub et al. US Patent No. 6,216,141, in view of Ta et al. US Patent No. 6,931,545.

**ARGUMENT**

**I. Rejection Under 35 U.S.C. §103**

**A. Applicable Law**

Under 35 U.S.C. §103, the Examiner has the burden to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Three criteria must be satisfied to establish a *prima facie* case of obviousness. First, the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would teach, suggest, or motivate one to modify a reference or to combine the teachings of multiple references. *Id.* Second, the prior art can be modified or combined only so long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Third, the prior art reference or combined prior art references must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). These three criteria are also set forth in M.P.E.P §706.02(j). Even when obviousness is based on a single reference, there must be a showing of suggestion or motivation to modify the teachings of that reference. *In*

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

*re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). In performing the obviousness inquiry under 35 U.S.C. §103, the Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990).

**B. Rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. §103(a)**

Because the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. 103(a) as being unpatentable over Straub et al. US Patent No. 6,216,141, in view of Ta et al. US Patent No. 6,931,545 fails to establish a *prima facie* case of obviousness, the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 is not correct and should be withdrawn.

**Independent claim 1** is directed to a method of distributing a document of a user, and includes receiving a distribution request for the document from the user at the document distribution system controller and presenting the list of distribution options for the document to the user, wherein the user provides the document to the document distribution system controller, and the document distribution services include at least one of print services, electronic mail services, and print publishing services.

**Independent claim 9** is directed to a computer-readable medium having computer-executable instructions for performing a method of distributing a document of a user, and includes receiving a distribution request for the document from the user and presenting the list of distribution options for the document to the user, wherein the user provides the document for distribution, and the document distribution services include at least one of print services, electronic mail services, and print publishing services.

**Independent claim 10** is directed to a system for distributing a document of a user, and includes a user interface configured to present the list of distribution options for the document to the user, wherein the user provides the document to the system for distribution, and the document distribution services include at least one of print services, electronic mail services, and print publishing services.

**Independent claim 19** is directed to a method of managing document distribution services of a plurality of document distribution providers, and includes presenting the

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

document distribution services to a user having a document and receiving a distribution selection for the document from the user at the document distribution system controller, wherein the user provides the document to the document distribution system controller for distribution, and the document distribution services include at least one of print services, electronic mail services, and print publishing services.

**Independent claim 26** is directed to a computer-readable medium having computer-executable instructions for performing a method of managing document distribution services of a plurality of document distribution providers, and includes presenting the document distribution services to a user having a document and receiving a distribution selection for the document from the user, wherein the user provides the document for distribution, and the document distribution services include at least one of print services, electronic mail services, and print publishing services.

**Independent claim 27** is directed to a system for managing document distribution services, wherein the document distribution system controller is adapted to present the document distribution services to a user having a document, and wherein the document distribution system controller is adapted to receive a distribution selection for the document from the user, wherein the user provides the document to the system for distribution, and the document distribution services include at least one of print services, electronic mail services, and print publishing services.

Independent claims 1, 9, 10, 19, 26, and 27, therefore, each recite that the user provides the document for distribution such that the user is presented with and/or makes a selection of distribution options for the document. In addition, independent claims 1, 9, 10, 19, 26, and 27 each recite that the document distribution services include at least one of print services, electronic mail services, and print publishing services.

The Straub et al. patent discloses a system and method for displaying a rich multimedia document in the same window as a desktop window wherein a client computer connects to a computer network and retrieves a channel guide or list of content providers from which a user can select one or more content providers such that the client computer retrieves a document associated with a content provider selected from the channel guide whereby the document is integrated into the desktop window on the client computer (see

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

Abstract). As such, the one or more content providers of the Straub et al. patent is the party providing the document, while the user of the system and method of the Straub et al. patent is the party that merely selects the one or more content providers and the desired document preferences (see, e.g., col. 3, lines 18-35).

The user of the system and method of the Straub et al. patent, however, is not the party providing the document nor is the one or more content providers of the Straub et al. patent (viz., the party that is providing the document) presented with or select distribution options for the document. As such, the one or more content providers of the Straub et al. patent cannot be considered a user as recited in independent claims 1, 9, 10, 19, 26, and 27 because the one or more content providers of the Straub et al. patent are not presented with nor do they make a selection of distribution options for the document. Alternatively, the actual user of the system and method of the Straub et al. patent cannot be considered a user as recited in independent claims 1, 9, 10, 19, 26, and 27 because the user of the system and method of the Straub et al. patent is not the party providing the document. Accordingly, neither the user of the system and method of the Straub et al. patent nor the one or more content providers of the Straub et al. patent constitute a user as recited in independent claims 1, 9, 10, 19, 26, and 27.

In addition, the Straub et al. patent merely displays the document in the desktop window. The Straub et al. patent, however, does not provide document distribution services including at least one of print services, electronic mail services, and print publishing services for the document as recited in independent claims 1, 9, 10, 19, 26, and 27.

The Examiner recognizes that the Straub et al. patent "fail[s] to teach wherein the user provides the content to the system for distribution" (Final Office Action mailed September 21, 2006; page 3). Accordingly, the Examiner contends that the Ta et al. patent "teach[es] a system/method wherein the user provides the content to the system for distribution" (Final Office Action mailed September 21, 2006; page 3). As such, the Examiner suggests that "it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the invention of Straub et al to include Ta et al's system/method wherein the user provide the content to the system for distribution because this would have ensure that users' content is properly distributed" (Final Office Action mailed September 21, 2006; page 3).

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

The Ta et al. patent relates to systems and methods for integrity certification and verification of content consumption environments wherein "[a] content provider, such as a document publisher or distributor, provides, for example, protected content to a user, for consumption within a trusted user environment" such that "[t]he content provider forwards to the user a protected version of the digital content which includes, for example, a license agreement and an integrity profile identification" (Abstract; see also col. 3, lines 31-35).

In operation, the Ta et al. patent provides that "a content provider and distributor 300 provides digital content, such as a document, to a user system 400" (emphasis added) (col. 5, lines 29-31). As such, the Ta et al. patent provides that during the course of use, "the user 400 would request from the content provider 300 one or more documents, such as an electronic book, a multimedia file, a presentation, a form template, or the like" whereby upon receiving the request, "the content provider and distributor 300 could provide the requested content in protected form with a profile identification 10 to the end user 400" (emphasis added) (col. 5, lines 42-50).

Thus, with the system of the Ta et al. patent, the content provider 300 is the entity providing the content (i.e., one or more documents) while the user 400 is the entity requesting the content from the content provider 300. The user of the system of the Ta et al. patent (viz., user 400), however, is not the party providing the content nor is the user of the system of the Ta et al. patent (viz., user 400) presented with or select distribution options for the content. Rather, the content provider 300 of the system of the Ta et al. patent is the entity providing the content. The user of the system of the Ta et al. patent (viz., user 400), therefore, cannot be considered a user as recited in independent claims 1, 9, 10, 19, 26, and 27 because the user of the system of the Ta et al. patent is not the party providing the document. In addition, the user of the system of the Ta et al. patent (viz., user 400) cannot be considered a user as recited in independent claims 1, 9, 10, 19, 26, and 27 because the user of the system of the Ta et al. patent is not presented with nor do they make a selection of distribution options for the document. Accordingly, the user of the system of the Ta et al. patent does not constitute a user as recited in independent claims 1, 9, 10, 19, 26, and 27.

As such, Appellant submits that the Ta et al. patent does not overcome the shortcomings of the Straub et al. patent. Appellant, therefore, submits that modifying the

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

Straub et al. patent in view of the Ta et al. patent, in the manner suggested by the Examiner, does not teach or suggest all of the limitations of the present claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of independent claims 1, 9, 10, 19, 26, and 27, and that independent claims 1, 9, 10, 19, 26, and 27 are each patentably distinct from the Straub et al. and Ta et al. patents. As dependent claims 3-7 further define patentably distinct claim 1, dependent claims 12-17 further define patentably distinct claim 10, dependent claims 21 and 23-25 further define patentably distinct claim 19, and dependent claims 29 and 30 further define patentably distinct claim 27, Appellant submits that these dependent claims are also patentably distinct from the Straub et al. and Ta et al. patents. Appellant, therefore, respectfully submits that the rejection of claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 1, 3-7, 9, 10, 12-17, 19, 21, 23-27, 29, and 30 should be allowed.

RECEIVED  
CENTRAL FAX CENTER

DEC 12 2006

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

**CONCLUSION**

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

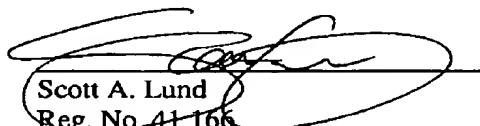
Any inquiry regarding this Appeal Brief should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration  
Legal Department, M/S 35  
HEWLETT-PACKARD COMPANY  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,  
Kelli Hodge Kennedy et al.,  
By,

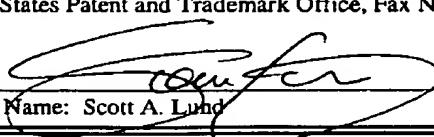
DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2006  
Facsimile: (612) 573-2005

Date: DEC. 12, 2006  
SAL:hsf



Scott A. Lund  
Reg. No. 41,166

**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 12<sup>th</sup> day of December, 2006.

By   
Name: Scott A. Lund

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

**CLAIMS APPENDIX**

1. (Previously Presented) A method of distributing a document of a user, the document including at least one of textural and graphical information, the method comprising:

registering document distribution services of a plurality of document distribution providers with a document distribution system controller, the document distribution services including at least one of print services, electronic mail services, and print publishing services;

receiving a distribution request for the document from the user at the document distribution system controller;

compiling a list of distribution options for the document with the document distribution system controller based on the document distribution services of the document distribution providers; and

presenting the list of distribution options for the document to the user,

wherein the user provides the document to the document distribution system controller.

2. (Cancelled)

3. (Previously Presented) The method of claim 1, further comprising:

linking the user and the document distribution system controller via a communication network, wherein receiving the distribution request includes receiving the distribution request for the document from the user via the communication network, and wherein presenting the list includes presenting the list of distribution options for the document to the user via the communication network.

4. (Previously Presented) The method of claim 1, further comprising:

receiving a distribution selection for the document from the user, the distribution selection including at least one distribution option from the list of distribution options.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

5. (Currently Amended) The method of claim 4, further comprising:  
receiving a data file for the document from the user; and  
distributing the data file for the document to at least one of the document distribution providers offering the at least one distribution option.
6. (Previously Presented) The method of claim 5, further comprising:  
linking the user and the document distribution providers via a communication network, wherein receiving the distribution selection includes receiving the distribution selection for the document from the user via the communication network, wherein receiving the data file includes receiving the data file for the document from the user via the communication network, and wherein distributing the data file includes distributing the data file for the document to the at least one of the document distribution providers via the communication network.
7. (Previously Presented) The method of claim 5, further comprising:  
converting the data file for the document to a predetermined file format.
8. (Cancelled)
9. (Previously Presented) A computer-readable medium having computer-executable instructions for performing a method of distributing a document of a user, the document including at least one of textural and graphical information, the method comprising:  
registering document distribution services of a plurality of document distribution providers, the document distribution services including at least one of print services, electronic mail services, and print publishing services;  
receiving a distribution request for the document from the user;  
compiling a list of distribution options for the document based on the document distribution services of the document distribution providers; and  
presenting the list of distribution options for the document to the user,  
wherein the user provides the document for distribution.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

10. (Previously Presented) A system for distributing a document of a user, the document including at least one of textural and graphical information, the system comprising:

a memory device configured to have document distribution services of a plurality of document distribution providers stored therein, the document distribution services including at least one of print services, electronic mail services, and print publishing services; and

a processor adapted to compile a list of distribution options for the document based on the document distribution services of the document distribution providers; and

a user interface configured to present the list of distribution options for the document to the user,

wherein the user provides the document to the system for distribution.

11. (Cancelled)

12. (Previously Presented) The system of claim 10, wherein the memory device and the processor are included in a document distribution system controller, wherein the document distribution system controller is adapted to receive a distribution request for the document from the user and present the list of distribution options for the document to the user.

13. (Previously Presented) The system of claim 12, further comprising:

a communication network configured to link the document distribution system controller and the user, wherein the document distribution system controller is adapted to receive the distribution request for the document from the user via the communication network and present the list of distribution options for the document to the user via the communication network.

14. (Previously Presented) The system of claim 12, wherein the document distribution system controller is adapted to receive a distribution selection for the document from the user, the distribution selection including at least one distribution option from the list of distribution options for the document.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

15. (Previously Presented) The system of claim 14, wherein the document distribution system controller is adapted to receive a data file for the document from the user and distribute the data file for the document to at least one of the document distribution providers offering the at least one distribution option.

16. (Original) The system of claim 15, wherein the document distribution system controller is adapted to convert the data file to a predetermined file format.

17. (Previously Presented) The system of claim 15, further comprising:  
a communication network configured to link the document distribution system controller, the user, and the document distribution providers, wherein the document distribution system controller is adapted to receive the data file for the document from the user via the communication network and distribute the data file for the document to the at least one of the document distribution providers via the communication network.

18. (Cancelled)

19. (Previously Presented) A method of managing document distribution services of a plurality of document distribution providers, the method comprising:

registering the document distribution services of the document distribution providers with a document distribution system controller, the document distribution services including at least one of print services, electronic mail services, and print publishing services;

presenting the document distribution services to a user having a document, the document including at least one of textural and graphical information; and

receiving a distribution selection for the document from the user at the document distribution system controller, the distribution selection specifying at least one document distribution service of the document distribution services,

wherein the user provides the document to the document distribution system controller for distribution.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

20. (Cancelled)

21. (Previously Presented) The method of claim 19, wherein presenting the document distribution services includes compiling a list of distribution options for the document based on the document distribution services and presenting the list of distribution options for the document to the user.

22. (Cancelled)

23. (Previously Presented) The method of claim 19, further comprising:  
linking the document distribution providers and the document distribution system controller via a communication network, wherein registering the document distribution services includes registering the document distribution services with the document distribution system controller via the communication network.

24. (Previously Presented) The method of claim 19, further comprising:  
managing the document distribution services at the document distribution system controller, including receiving a management instruction for the document distribution services at the document distribution system controller.

25. (Previously Presented) The method of claim 24, further comprising:  
linking a system administrator and the document distribution system controller via a communication network, wherein receiving the management instruction includes receiving the management instruction for the document distribution services at the document distribution system controller from the system administrator via the communication network.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

26. (Previously Presented) A computer-readable medium having computer-executable instructions for performing a method of managing document distribution services of a plurality of document distribution providers, the method comprising:

registering the document distribution services of the document distribution providers, the document distribution services including at least one of print services, electronic mail services, and print publishing services;

presenting the document distribution services to a user having a document, the document including at least one of textural and graphical information; and

receiving a distribution selection for the document from the user, the distribution selection specifying at least one document distribution service of the document distribution services,

wherein the user provides the document for distribution.

27. (Previously Presented) A system for managing document distribution services, the system comprising:

a document distribution system controller configured to have the document distribution services registered therewith, the document distribution services including at least one of print services, electronic mail services, and print publishing services,

wherein the document distribution system controller is adapted to present the document distribution services to a user having a document, the document including at least one of textural and graphical information, and

wherein the document distribution system controller is adapted to receive a distribution selection for the document from the user, the distribution selection specifying at least one document distribution service of the document distribution services,

wherein the user provides the document to the system for distribution.

28. (Cancelled)

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

29. (Original) The system of claim 27, wherein the document distribution system controller is adapted to receive a management instruction for the document distribution services from a system administrator.
  
30. (Original) The system of claim 29, further comprising:  
a communication network configured to link the document distribution system controller and the system administrator, wherein the document distribution system controller is adapted to receive the management instruction from the system administrator via the communication network.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT SERVICES MANAGEMENT

---

**EVIDENCE APPENDIX**

None.

**Appeal Brief to the Board of Patent Appeals and Interferences  
of the United States Patent and Trademark Office**

Appellant: Kelli Hodge Kennedy et al.

Serial No.: 09/782,765

Filed: February 13, 2001

Docket No.: 10005680-1

Title: DOCUMENT DISTRIBUTION SYSTEM AND METHOD WITH CONSOLIDATED DOCUMENT  
SERVICES MANAGEMENT

---

**RECEIVED  
CENTRAL FAX CENTER  
DEC 12 2006**

**RELATED PROCEEDINGS APPENDIX**

None.